

Remarks

In the Third Office Action, claims 1-2, 4-10, 12-14 and 17-18 were rejected under 35 U.S.C §102(b), and claims 3, 11, 15-16 and 19 were allowed.

Request for Continuing Examination (RCE) -

Pursuant to 37 C.F.R. §1.114, the Applicant is making a Request for Continued Examination (RCE) by filing the current submission and paying the required fee. If there are any deficiencies with the present RCE, the Applicant kindly requests prompt notification of such deficiencies.

Double Patenting -

The Examiner stated that should claims 1 and 9 be found allowable, claims 8 and 18, respectively would be objected to under 37 CFR §1.75 as being a substantial duplicate thereof. The Applicant has amended claims 8 and 18 so as to avoid a double patenting objection.

Claims 1-2, 4-10, 12-14 and 17-18 - Rejected Under 35 U.S.C.102(b) -

In the Third Office Action, claims 1-2, 4-10, 12-14 and 17-18 were rejected under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 6,060,682 (hereafter referred to as 'the Westbrook patent'). The Applicant initiated a telephone interview with the Examiner on Monday, May 02, 2005, during which the Applicant proposed amendments to claims 1 and 9. No resolution, however, was reached. The Examiner relied upon the embodiments disclosed in FIGS. 4 and 6 of Westbrook for support, in addition to those of FIGS. 13 and 16 which were the basis of the rejection in the Third Office Action. The Applicant respectfully traverses this rejection for at least the following reasons.

First, the Westbrook patent does not disclose each and every limitation of the present claims, as it plainly fails to show both a first and second interface segment. Second, no suggestion or motivation has been provided for altering the Westbrook patent to include first and second interface segments, as presently defined. Accordingly, the Westbrook patent does not anticipate the subject matter of the present claims, nor does it render them obvious.

Claims 1-2 and 4-7 –

Claims 1-2 and 4-7 call for an interface that “...includes a first segment where said first sides of said first and second sheet metal pieces are flushly aligned across said interface and a second segment where said second sides of said first and second sheet metal pieces are flushly aligned across said interface.” Westbrook fails to disclose both of these interface segments.

Beginning with the Westbrook embodiment of FIG. 4, there is shown a weld joint that is flush along bottom sides of the two weld components 12a, 14a, but that is filleted or otherwise *non-flush* along the top sides of the two weld components. Nowhere is it even suggested, let alone disclosed, that overhang 38 of thick weld component 12a be removed or modified to have an interface including *both* a first segment where the top sides of the two weld components are flushly aligned across the interface, *and* a second segment where the bottom sides of the two weld components are flushly aligned across the interface. Turning now to the specification of that patent, it states;

To weld the components 12a, 14a, the laser 34a impinges the overhang 38 to melt it and the edges 24a, 28a to form the welded joint. As can be seen in FIG. 4, the material in the overhang *provides a fillet of material* as it melts to fill the gap between the components and strengthen the joint 10a. The lower surfaces of the components 12a, 14a are maintained in alignment by the supports 16a to produce a planar finished surface.¹

According to Merriam-Webster, a “fillet” in this context is defined as, **a** : a *concave junction* formed where two surfaces meet (as at an angle) **b** : a strip that gives a *rounded appearance* to such a junction; *also* : a strip to reinforce the corner where two surfaces meet² (emphasis added). That definition squarely coincides with the teachings of the Westbrook patent, which in FIG. 4 clearly shows a concave or *non-flush segment* at a top of the weld joint.

Furthermore, if it were argued that the boundary (where overhang 38 tapers and blends into the upper surface of weld component 14a) constitutes a “flushly aligned interface segment”, as claimed, that argument would be without merit. This is because the claimed segments are part

¹ US Patent No. 6,060,682; column 3, lines 55-62

² <http://www.merriamwebster.com/cgi-bin/dictionary?book=Dictionary&va=fillet&x=0&y=0>

of the interface, and the interface is an interface of edges³; the top surface of weld component 14a is not an edge, it is an “upwardly directed surface” according to Westbrook.

Of course, it is inevitable that an edge-to-edge interface will undergo some degree of protrusion or indentation (in more severe cases, this requires a filler material) due to the welding process; that is, the sides of the sheet metal pieces will not be *perfectly* flushly aligned across an interface due to the weld bead. Such deviations within appropriate engineering tolerances should, of course, still be considered “flushly aligned” within the broad context of that term, as it is used here. This cannot be said for the top surfaces disclosed in FIG. 4, however, as it is a *specific objective* of Westbrook to provide an edge with an overlapping portion.⁴

The embodiment taught in FIG. 6 does not have an interface with even a single flushly aligned segment, as provided in the pending claims, let alone the combination of interface segments discussed above. In that embodiment, thick weld component 12c has an edge formed in the shape of a chevron 40 such that when the upper and lower overhang components are welded, overlapping sections of thick component 12c are formed on both the top and bottom sides of thin component 14c. Thus, the weld joint is stepped on both sides of the welded blank, *but is flush on neither*.

In the Third Office Action, the Examiner stated, “Note figures 13 and 16 where the tubes have a first top side and a second bottom side and unequal edges and wherein the sides are flush at top and bottom segments.” The Applicant respectfully asserts that the top and bottom sides being referred to by the Examiner are in fact the same side.

The topmost and bottommost sections shown in the cross-sectional depictions of FIGS. 13 and 16 are simply different sections of the same outer diametrical side or surface; they are not separate sides or surfaces. To further clarify this distinction, claims 1 and 9 have been amended to read, “...a first side, and a second side *separated from said first side by the thickness of said first sheet metal piece*”; similar amendments have been made to the second sheet metal piece.

³ See Claim 1, “...said first and second sheet metal pieces abut one another along *an interface of said edges*...”

⁴ US Patent No. 6,060,682; column 2

Therefore, the topmost and bottommost sections of the same outer diametrical surface are not separated from each other by the thickness of the tubing, and thus do not meet the limitations of amended claims 1 and 9.

In the section devoted to responding to the Applicant's previous arguments, the Third Office Action states, "The first argument is flawed in that the claims 1 and 9 do not recite first and second segments where both the first and second sides are flushly aligned. Please read the claims carefully as they recite only that the first side has a first segment flush and the second side has a second flush segment."⁵ The Applicant has read these claims carefully and does not fully understand the arguments being put forth by the Examiner. The Applicant is not claiming that both the first and second sides are flush at both the first and second segments. Rather, the Applicant claims that the interface has a first segment where the first sides are flushly aligned and a second segment where the second sides are flushly aligned, and now specifies that the first and second sides are separated by the thickness of the sheet metal pieces, so as to more clearly distinguish the prior art.

As previously stated by the Applicant, the weld joint shown in FIGS. 13 and 16 only has flush segments between the outer diametrical surfaces of the two tubular members (which constitute one side). It is clear from the written description and FIG. 13 that tubular members 50a, 52a abut one another at their respective frustoconical surfaces 54a, 56a, such that they are *not flushly aligned* anywhere along their inner surface or inner diameter. Thus, if the outer surfaces of tubular members 50a, 52a are considered "first sides" and the inner surfaces are considered "second sides" separated from the first sides by the thickness of the tubing, then this embodiment plainly fails to show *both first and second segments*, as claimed. Moreover, there is nothing in Westbroek or the other prior art of record that would suggest such a construction.

Claims 9-10, 12-14 and 17 –

Claims 9-10, 12-14 and 17 call for an interface that "...includes a *first segment that is stepped* between said outer sides of said first and second sheet metal pieces, and a *second*

⁵ Office Action dated 3/18/2005; page 3

segment that is flush between said outer sides of said first and second sheet metal pieces.” The Westbrook patent discloses nothing like this.

In FIG. 4, the bottom sides of weld components 12a, 14a, which could be considered either the inner or the outer sides, are flush along the entire length of the joint and the top sides are stepped along the entire length. Accordingly, *no one set of sides*, either outer or inner sides, is joined by an interface having a first segment at which those sides are stepped, and a second segment at which those same sides are flush.

As previously stated, the embodiment taught in FIG. 6 does not have an interface with even a single flushly aligned segment, let alone the combination of interface segments recited in claims 9-10, 12-14 and 17.

For reasons similar to those articulated above, the embodiments shown in FIGS. 13 and 16 also fail to disclose an interface having a first segment that is stepped between the outer sides of the sheet metal pieces, and a second segment that is flush between the outer sides of the sheet metal pieces, as called for in amended claims 9-10, 12-14 and 17.

Claims 8 and 18 –

Claims 8 and 18 each recite, “A vehicle door panel assembly, comprising: an outer door panel; and an inner door panel...”. In addition to the claim limitations calling for the various interface segments, as discussed more thoroughly above, the Westbrook patent clearly fails to teach a vehicle door panel assembly having an inner and outer door panel, as presently recited in claims 8 and 18. This is most apparent with respect to the tubular members shown in FIGS. 13 and 16.

Accordingly, it is the Applicant’s position that the Westbrook patent does not support a prima facie case of anticipation or obviousness, with respect to the subject matter of amended claims 1-2, 4-10, 12-14 and 17-18. The Applicant respectfully requests reconsideration and allowance of these claims. If the Examiner disagrees with this analysis, he is kindly requested to specify in detail why each Westbrook embodiment being relied upon teaches the claimed

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interface segments.

Claims 3, 11, 15-16 and 19 - Allowed -

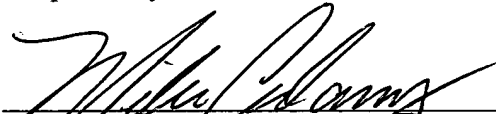
The Applicant acknowledges the allowance of claims 3, 11, 15-16 and 19 with appreciation.

Summary

In view of the foregoing, the Applicant has made a Request for Continued Examination (RCE) and respectfully submits that all claims are currently in condition for allowance and reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

Applicant encloses a check in the amount of \$790.00 for payment of the Request for Continued Examination. Any additional fee deemed necessary for this response may to be charged to deposit account no. 50-0852.

Respectfully Submitted,



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Enclosure

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